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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
The Recommended Decision of the	)	CC Docket No. 96-45
Federal-State Joint Board	)	
on Universal Service	)	

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Comments of State of South Carolina, Department of Education, and Budget and Control Board, Office of Information Resources

December 19, 1996

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To: The Commission

Comments of State of South Carolina, Department of Education, and Budget and Control Board, Office of Information Resources

South Carolina's State Department of Education and Budget and Control Board, Office of Information Resources[1] (South Carolina), submit these comments on behalf of South Carolina State Government. South Carolina is confident that the Federal Communications Commission (FCC) seeks to adopt rules which implement the universal service provisions of the Telecommunications Act of 1996 (Telecom Act of '96) so as to assure schools and libraries affordable access to modern telecommunications technology and to the Information Highway envisioned by our state and national leaders. Thus the Commission, as well as the Federal-State Joint Board on Universal Service (Board) are fulfilling their appropriate leading roles in building affordable approaches to the Information Highway.

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1 The Office of Information Resources is the State agency responsible for the procurement and management of the telecommunications and data processing resources of the South Carolina State government and its various agencies and institutions.

I. General Comments/Summary

South Carolina endorses the Board's excellent, comprehensive and intrinsically compelling recommendations, submits additional supporting arguments, concerns and ideas for the Commission's consideration, and makes one request for clarification in the Commission's final order. These comments address a number of the issues raised by the Board, including a few on which the Commission specifically requested information, but are most concerned with the new, progressive, support for schools and libraries.

The accepted wisdom of connecting children and the general population through schools' and libraries' telecommunications and computer resource connections, is embraced by the majority of South Carolinians, particularly government elected officials and staffs, and the telecommunications and computer industries.

The Governor, Budget and Control Board, Department of Education, School Districts, Tech Schools, County Councils, and libraries have joined with telecommunications and computer industry volunteers to implement our chief executive's directives and dreams of connecting those Americans who could travel it to the Internet and other existing and new networks, and thus with each other and the rest of the computerized world. Government organized, prescribed, and directed universal service provisions for affordable computer/telecommunications connections are of particular importance and concern to South Carolinians and to the officials submitting these comments because the State carries a

disproportionate burden of the nation's economically and culturally disadvantaged citizens who would not otherwise connect with the information age.

Leaders across our economy and society are demonstrating increasing recognition, acceptance, and pursuit of our obligation to ourselves as interdependent American citizens to enable exponential growth in the population's use of our modern telecommunications capabilities to enhance our ability, and freedom, of expression, and the commerce it facilitates and expedites, in part through reducing transmittal and man hours, and other delays and costs. Furthermore, these telecommunications and computer industry representatives in South Carolina are coming to recognize that, unlike traditional telecommunications universal services, universal service price supports to schools and libraries for their Information Highway telecommunications services are seed monies for an unprecedented crop of consumers of their commercial services.

This enlightened self-interest, as well as public service, is reflected in the support for South Carolina's universal K-12 Internet connectivity project for school district-wide area networks, state government backbone network, and Internet access, in donation of services and equipment by many of these companies, and in the support they afford these universal service rulemaking efforts themselves.

II. Universal Service in Schools and Libraries

South Carolina agrees with and endorses the Board's proposals for support for schools and libraries on their many and self-evident merits, and with recognition of their obvious expert and representative nature. The Board's inclusive recommendations would be efficacious in fostering expeditious and effective provision of access to the Information Highway for the greatest number of Americans, especially our all important children. In addition, South Carolina emphasizes some areas and submits some possible alternative solutions and additional perspectives and supporting arguments.

A. Aggregation and Consortia

The National Association of State Telecommunications Directors (NASTD) is submitting a detailed and expert comment requesting that the Commission make universal service discounts available to current state government methods of providing K-12 Internet, and other network, access. The State of South Carolina supports and incorporates this analysis and request as part of its comments.

South Carolina submits the following specific comments solely for the Commission's consideration, deferring completely to the Commission's authority and judgment thereon, and its vastly greater expertise and other resources. However, South Carolina does request that, as well as accept the Board's recommendations, which include purchases through aggregations and consortia with non-eligibles, the Commission include in its order

clarification or acknowledgment of South Carolina's method of interconnecting schools and libraries, a matter of enormous importance to public access to the Information Highway in South Carolina, and for similar programs in other states.

At paragraphs 593 et. seq., the Board wisely recommends that school and library telecommunications services purchased through aggregation and consortia with non-eligible institutions be eligible for universal services discounts. Clearly this fosters competition and cost effectiveness. To exclude any form of bulk, group or other such economical method of purchase, not only increases prices, but increases the administrative and personnel costs of purchases, delivery and service, for the vendors as well as the schools and libraries. Furthermore, in this case, the nature of the services involved, interconnection, networking, communications generally, is often enhanced by such group purchases. The ultimate principle and goal of the program, interconnection, as well as the cost effective means to those ends, suggest that such approaches be fostered. Conversely, if aggregation and consortia are not included, this purchasing aspect of "networking" and the cooperation, planning and designing, which it fosters and which are also essential to telecommunications interconnection, could be undermined by the universal services program otherwise intended to foster the end to which they are essential steps. This may be self-evident, and South Carolina is confident the Commission will adopt some

version of this Board recommendation, while dealing with the complications and accounting it will require.

South Carolina is also confident that, as the Board's language indicates, the Commission's rule on this issue will be broad and all inclusive, so that the schools and libraries and the state and local governments serving them will be free to adopt purchasing and interconnecting methods and partners according to their perceptions of supply, demand, market conditions, technological advances, educational and communication needs, existing infrastructures, consumer readiness, and political, as well as financial, exigencies. The Board and this Commission recognize that telecommunications advances will be so complex and unpredictable that any pigeon holes or boxes created and fostered by universal service eligibility restrictions are opposed to the Telecom Act of '96's principles and the goals almost everyone shares.

By the same token, restricting eligibility to new contracts for services penalizes those who have already embraced these principles and moved forward expeditiously to provide widespread Information Highway access. In the case of economically disadvantaged states which have taken the plunge, such penalties would violate the two central universal service principles.

As the complexity and rapid change of these services and the means of acquiring them would suggest, it is improbable that any two states have taken the exact same approaches to the Information Highway. However, South Carolina is not alone in

taking an early and statewide approach (e.g., Tennessee, Maine, Utah, Oregon, Indiana, Kentucky, Nebraska, Montana). At the risk of belaboring South Carolina's relative poverty, or boasting unduly of its relatively great commitment to the instant principles, South Carolina attaches a brief summary of its current and present method for interconnecting its schools (SCINET) for the Commission's consideration of the plea that it insure that its Order makes clear that South Carolina's existing arrangements for shared state networks and sharing scarce resources and approach, and others like them, will be eligible for universal service discounts, including future services purchased pursuant to current term contracts.

B. School and Library Discounts

Commissioners have expressed concern about the inclusion of inside wiring in those services eligible for universal service discounts as potentially encouraging extravagant and anti-competitive effects and, most dramatically, as a potential multi-billion dollar impact on the fund and thus telecommunications consumers. Fear of the extravagancy syndrome and the impact on consumers, as well as industry opposition, also deterred the adoption of the Secretary of Education's and other educators' proposal that schools and libraries receive 100% discounts for telecommunications services. South Carolina would benefit in relative terms from all telecommunications consumers' complete subsidy of schools' and libraries' telecommunications services, and South Carolina suggests that the Commission reconsider

Secretary Riley's well considered, progressive and administratively simple proposal when it reexamines universal service in the near future. For the present, however, the cost and impact of this grand vision may be beyond foresight, and the consensus appropriate, essential, and contemplated by Congress, in implementing this new and brilliant aspect of universal service. Furthermore, in addition to their adverse impact on overall affordability, and the potential extravagancy syndrome, 1997 extraordinary discounts may not provide relatively cost effective benefits to America's children and library patrons, because of the technological lag in the ability to use and teach the various computer/telecommunications based functionalities reported as present in so many of the educational and library professionals charged, or to be charged, with actually bringing the public on-line.

Until such time as universal service support for public access to the Information Highway has a history to inform the Commission's second giant step, the Commission might consider several friendly amendments to the Board's recommended decision which would address these concerns and the situation of some of the people in the schools and libraries who must plan, design, purchase, network and instruct where the fingers meet the keyboard.

Rather than reduce the scope of services eligible for discounts with a narrow definition of services, excluding the hybrid service-hardware of inside-wiring, the Commission could

properly expand the scope to include vendor instruction for the instructors in the use of the equipment which renders the advanced telecommunications services. This is in the computer/telecommunications industries' specific, enlightened self-interests, as well as everyone's general enlightened self-interest. It addresses the reality in so many of our classrooms and libraries, that otherwise we may have a lot of "expensive paperweights" and expensive window dressing, connections with little or nothing flowing between them.

To compensate for the additional cost, the Commission could consider including the now greater participating and benefiting Internet providers as contributors. It could also consider reducing the lowest and highest discounts. The richest schools' de minimus need for support suggests that supporting them is almost contrary to traditional principles of universal service. If the poorest schools pay practically nothing, there is no economic deterrent to extravagancy.

On the other hand, for the above, and other reasons, the Commission should examine the proposed $2.25 billion limitation on universal service expenditures on telecommunications services for schools and libraries. It appears that state and federal leadership is in remarkable agreement, perhaps unprecedented in peace time, about the importance and urgency of fostering the pervasive use of the services this program will foster. The more successful, the more pervasive, it is, the more it will cost. There are too many human factors involved for positive prediction

of the size and speed of this public telecommunications buildout. Even if it were possible to predict the limits of that speed, that pervasiveness, that success, betting against ourselves is not the FCC way, not the way of the rest of our leaders, not the American way.

It is essential that we not limit our ability to support the public growth and use of the most advanced communications services, because the recent past has shown that they and the American people's ability to use them evolve in far too complex, rapid, revolutionary and unexpected fashions for current methods and models of predicting even one year ahead. Indeed, the Board and the Commission recognize this conventional wisdom and its application to American society and economy in a number of concrete proposals for inclusive, open ended, flexible eligibility and programs. The inclusion of all telecommunications services, including internal wiring for example, is extremely important to the efficacious pursuit of the Telecom Act of '96 goals and principles.

III. **Standards and Definitions**

Thus South Carolina supports the Board's recommendation of providing universal service support for all telecommunications services used by the schools and libraries, including wireless, inside wiring and Internet access. There are many large, important, and relevant differences between the networking, computer, video and other aspects of the schools' and libraries' educational uses of computer related telecommunications services

and the traditional telecommunications services which affect the goals and means of delivery of said advanced or computer related telecommunications services "universally" (through K-12 schools and public libraries).

These differences include the much greater and more rapid flux, change, evolution and revolution in the development of new technologies, both "computer" and "telecommunications" and of applications, methods and means of using and combining such new technological developments to provide connectivity, access, and new kinds of connectivity and access as well as new kinds of transmissions, such as: teleconferencing, video in general, and computer-audio.

Establishing standards or detailed definitions of what constituted the "special services" eligible for universal service treatment, is thus much more problematic in each instance and in itself technically, as an ongoing, constantly reviewing or revisiting process, and in their tendency to retard school and library advancement and creativity in using these technologies and the services delivered with them.

The Joint Comments to the Federal-State Joint Board of the National School Boards Association, et al., addressed this issue and proposed a solution in line with traditional universal service, which would start with including in "special services" the most advanced technology now used by the schools, and then revisiting requiring the standards thus established about every four years. It is unclear how this process would apply to the

libraries who have not been as involved as the schools in affording access to computer networks to their patrons.

This approach attempts to modify the traditional telephone universal standard scheme to fit the exigencies of "computer telecommunications," and some version thereof may be required by the FCC or the exigencies of the surrounding circumstances. However, the revolutionary nature of this "computer/video, new age" aspect of our communications development suggests the more revolutionary and simplifying approach to identifying these services eligible for, and requiring, "special service treatment," which the Board recommends of qualifying all telecommunications services used by the schools and libraries as "special services."

Even if it is unwilling to qualify all telecommunications services for universal service discounts, the FCC could attempt to develop an appropriate broad, inclusive, general definition of the functions which a telecommunications service must serve in order to qualify as, meet the definitional and operating requirements for, "special services" which might adequately serve the day to day operational necessities of the universal service system vis-à-vis the FCC, the schools and libraries, the vendors, and the state regulators.

Such a workable general definition would obviate the strained bureaucratic efforts to develop and designate "standards" of services to be minimally available for schools and libraries, an effort which would, or should, be constantly,

continually, if not continuously, conducted or revisited. Likewise the absence of such "state of the art as established" limitations would help free and motivate this multitude of possible laboratories to experiment with new approaches and technologies. This approach would foster, not restrain, the operation of market competitive, as well as creative, forces in this area of our society, culture, and economy where they have worked so well, and likewise minimize the intrusion of government regulation which "definition" and "standard" making would entail in this field. Another advantage to the function approach to defining "special services" is its promotion of the libraries and schools accessing the full range and benefit of advanced telecommunications. For instance, rural areas' peculiar problems may well require peculiar solutions which may well be developed after FCC promulgation of these definitions.

IV. Broad Based Service Eligibility and Vendor Contribution, and Procurement Neutrality

NASTD, in its comments in this proceeding, also is asking the Commission to be broad based and inclusive in the vendors contributing to, and the services eligible for, universal service. South Carolina supports this NASTD position, as well.

NASTD's third concern is possible Commission adoption of procurement requirements which conflict with state and local procurement codes. South Carolina joins in requesting FCC reconsideration of such requirements in light of possible legal conflicts, federalism considerations, the administrative

simplicity principle, and the potential disruption of the existing competitive environment generated by local procurement procedures. All of these concerns militate against interference with existing state and local government procurement processes.

V. Rate Affordability

South Carolina agrees that the states should make determinations concerning rate affordability and recommends that each state be allowed to determine its process for doing so, as the relevant conditions vary considerably from state to state; federalism so suggests, and the Commission has so many new complex and difficult responsibilities already.

VI. Life Line and Link-Up

South Carolina supports the recommended revisions of the Lifeline and Link-Up programs, except that the FCC might consider a one-for-one federal/state match in addition to the standard $5.25 support, or consider raising the federal support or varying it depending on the state's economic status, because the sine qua non of universal service is to compensate for disparities in economic advantage so that telecommunications, with its bearing on First Amendment principles as well as economic advancement, is more equally available to all the citizens of the United States.

Because such support is extremely cost effective social and economic investment, the Commission should adopt the highest feasible baseline support for low-income consumers of basic Telecom service (POTS) to help maintain and increase their

connection and minimal participation in our increasingly technologically oriented, communications oriented, society. The poor's participation in our society, as well as in the economy, otherwise is decreasing, with marginalizing, polarizing, and anomic impact on this proportionally increasing segment of the society, and concomitant increases in crime, mental illness and other social costs to all of us, directly or indirectly.

VII. Rural Health Care

South Carolina supports extending universal service telecommunications discounts to rural health care providers and urges the mechanisms adopted for doing so be maximally inclusive (to include existing services) and minimally intrusive or complex. It urges further that the Commission's rules accommodate the complexity, and rapid and unpredictable change factors discussed above, which are enhanced and aggravated by the additional medical/communication technological issues, by qualifying all telecommunications services (including video) used by rural health care provides for support. A scheme similar to that proposed for schools and libraries would serve the

principles of the Telecom Act of '96 and the health of our dwindling rural population to the benefit of the entire nation.

Respectfully submitted,

South Carolina Department of Education

South Carolina Budget and Control Board, Office of Information Resources

By Ted L. Lightle by BPB
Ted L. Lightle, Director
Office of Information Resources

December 19, 1996

Attachment

SCINET

SCINET is the South Carolina Information Network. It provides voice, data and video communications as well as Internet service to the State network's user organizations, which include agencies, higher education, K-12 schools, and in some cases, county and local governments. It allows organizations to build their own "private" networks while gaining economies by the utilization of shared facilities. It also provides for sharing of network capabilities among user organizations.

South Carolina has four major LATA's and three cross-boundary LATA's. The State has an InterLATA private line contract to provide circuits necessary for connections which must be made from one LATA to another. InterLATA and IntraLATA circuits between major cities in the State are combined to form the SCINET backbone network. Sharing of backbone circuits provides for substantial savings to SCINET users. In many cases, multiplexing is utilized to accomplish this sharing. In other cases, network integration utilizing these intercity facilities provides economical statewide capabilities to network users.

The State is served by twenty-six telephone companies (Local Exchange Carriers, or LECs). Various technologies are available from different LECs. Major network connectivity is achieved using point-to-point and multi-point circuits -- Switched Multi-megabit Data Service (SMDS), Frame Relay service and various other traditional services. Different LECs not only provide different services, but also have different pricing structures and tariffs which may make different technologies appropriate in different parts of the State. SCINET user organizations are encouraged to take advantage of the most cost effective technologies available for the LECs to provide local connectivity and to provide connectivity to SCINET.

Backbone circuits are typically DS-1 (1.544 MBPS). Slower speed circuits such as DS-0 (56/64 KBPS), 19.2 KBPS or slower can also be provided by using multiplexing techniques. Multiplexing on backbone circuits is provided using BellSouth's Digital Access Cross Connect System (DACS) at their Flex Nodes. Multiplexing of voice, data and video can also be provided on access circuits. Higher speed circuits and other multiplexing capabilities exist in the network, and will increase in the future.

Private line service can be provided on the SCINET backbone network. This allows agencies to install point-to-point circuits for voice, data and video applications. Agencies can also install multi-point circuits for SNA networks using the backbone at substantial savings.

The State has routers deployed in each of the four major LATA's which provide multi-protocol connectivity to the various network capabilities available in each LATA. These routers are initially being used to support the State's K-12 Technology Initiative, and other agency networks will be merged on an ongoing basis. The network transports TCP/IP, IPX, DECnet and other protocols necessary to connect systems within the State. The LATA routers also provide InterLATA and Internet connectivity. High speed circuits in each of the four major LATA's provide Internet connectivity. Connectivity to the router network can be obtained using Frame Relay, SMDS, point-to-point circuits and fiber optics cable.

The State provides voice services to agencies through its Electronic Tandem Network (ETN). The ETN provides local and long distance services within the State. A combination of State-owned PBX's and LEC central office switches are connected with intercity circuits to complete calls within the State. The SCINET backbone network is used to provide intercity circuits to the ETN. The ETN connects to the State's long distance vendor for connectivity to locations which are not directly connected to the network. Any site in the State can be connected to the ETN to obtain Interstate and Intrastate long-distance services.

The State supports compressed video communications on SCINET. Point-to-point connections can be made using backbone facilities as well as by using ISDN dial-up service. Multiple locations can be connected using conference bridges located at the Office of Information Resources (OIR) and by using BellSouth's Multi-port Videoconferencing Service. Full motion video is provided on the State's Educational Television Network (ETV), which can also be accessed from SCINET.

Within Columbia and Charleston, where there are requirements for high speed and/or high volume communications, the State has installed fiber optic cables. These cables support connections within the State's network as well as connections to user organizations.

SCINET is governed by the SCINET Users' Council, made up of representatives of each user organization. SCINET is managed by the State Budget and Control Board's OIR.

CERTIFICATE OF SERVICE

I, Greta Houston hereby certify that I caused a copy of the foregoing **COMMENTS OF STATE OF SOUTH CAROLINA BUDGET AND CONTROL BOARD OFFICE OF INFORMATION RESOURCES** to be served by U.S. mail, postage prepaid, or by hand delivery, this 19th day of December, 1996, on the following persons at the addresses listed on the attached service list.

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